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| 10/021,468      | 10/29/2001  | Patrick A. Aliffi    | E0019/258247        | 2136             |

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| EXAMINER |
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HEWITT II, CALVIN L

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| ART UNIT | PAPER NUMBER |
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3621

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09/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/021,468

Applicant(s)

ALIFFI ET AL.

Examiner

Calvin L. Hewitt II

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31, 103 and 104 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31, 103 and 104 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Status of Claims***

1. Claims 1-31, 103 and 104 have been examined.

***Response to Amendments/Arguments***

2. Applicant's arguments with respect to claims 1-31, 103 and 104 have been considered but are moot in view of the new ground(s) of rejection.

The following assertions of fact have gone unchallenged and are considered admitted prior art:

- verifying user account information
- mailing a prize to a user's home address

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-31, 103 and 104 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1-31, 103 and 104 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: previously contributing a data element ("*contributed* data element") (see claims 1 and 27).

Claims 2-26, 28-31, 103 and 104 are also rejected as each depends from either claim 1 or 27.

Claim 6 recites the limitation "the content of the contributing member's information contribution" in line 3. There is insufficient antecedent basis for this limitation in the claim. Claim 29 is also rejected as it recites similar language.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-11, 16-21, 23, 24, and 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ng, U.S. Patent No. 6,405,175 in view of U.S. Patent No. 7,092,821 over Mizrahi et al., U.S. Patent No. 7,092,821 and Matsumoto et al., U.S. Patent No. 7,181,518.

As per claims 1, 4-7, 11,16-21, 23, 24, 26, 27, and 30, Ng teaches a method for providing information exchanges comprising:

- receiving an input file from a user over a communication link wherein the file comprises a plurality of data elements (figures 1 and 3)
- storing content related to the input data file in a database (figure 2)
- associating the data file with a business entity identifier (figure 5, item 52)
- creating a user profile for the user contributing the data file said file comprising the generating statistics file of statistics regarding the number of data elements contributed by the user (figures 2 and 5)
- determining a score for the statistics file by comparing the statistics to a threshold (figure 5; column 9, lines 22-28; column/line 14/65-15/8)
- determining a reward based on the statistical file (column 9, lines 23-28)
- standardizing and editing the input file (figure 3; column/line 10/65-11/59; column 12, lines 23-36; column/line 12/56-13/20)
- checking a number of occurrences of an exception condition (e.g. a certain product among the class of all products on the web)

(column 2, lines 12-18) against a tolerance limit (e.g. products that cost a certain price) (column 2, lines 19-21)

- generating a report based on data stored in the database (column/line 5/65-6/6)
- producing a record file and keeping track of changes and updates to the database (figures 5 and 8A-B; column/line 10/65-11/60)
- producing a member report (figure 5; column 5, lines 55-65)
- periodically purging information from the database (column/line 12/56-13/21)
- generating a statistics file (based on input content) on a periodic basis (column 12, lines 42-50)

Ng does not explicitly recite determining access to the database based on the score. Mizrahi et al. teach limiting a user's access to a database (column 52, lines 5-63) based on a score (column 52, lines 48-54) and comparing the score to a threshold (column 52, lines 5-63). Mizrahi et al. also teach deleting (i.e. censoring) a contributed input file (column 52, lines 52-55). Regarding, determining access "to receive a type and number of stored data elements", this language does not limit the scope of Applicant's claimed method as the member never receives data from the repository (Recall: the claim merely recites "to

receive"). Further, as Mizrahi et al. teach limiting a member's access to a database based on a score (column 52, lines 5-63), the member is necessarily limited to what is stored in the database, hence Mizrahi et al. at least suggest determining access to receive a type and number of stored data elements (e.g. '175, column 8, lines 50-55). However, Matsumoto et al. teach limiting access to a type and number of stored data elements based on a score (column 1, lines 18-26; column/line 7/60-8/37; column/line 12/58-13/2; column 13, lines 15-25). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Ng and Mizrahi et al. in order to limit the effects of or prevent fraudulent product reviews ('175, column 8, line 50-55, column 14, lines 24-32, column 16, lines 11-20; '821 column 52, lines 5-14).

As per claims 2, 28 and 31, the type of business identifier does not further limit claim 1 because the identifier is not related to the steps of "receiving", "storing", "associating", "creating" and "determining" steps. Similarly, attributes of a contributing member (e.g. claim 3) or a data file (e.g. claim 16) do not further limit the method steps of claim 1.

As per claims 6 and 29, Ng discloses awarding prizes to users (column 9, lines 23-28). Verifying user account information is old and well known. Therefore, it would have been obvious to one of ordinary skill to verify the crediting of points (figure 5; column/line 7/61-9/30) in order to ensure that the points are applied

correctly and a user receives the appropriate award. For example, in response to a user inquiry.

As per claims 8-10, Ng discloses creating a user account and a user receiving prizes such as cash or other discounts (column 5, lines 55-57; column 9, lines 25-29). Mailing a prize to a user's home address is old and well known, therefore it would have been obvious to one of ordinary skill to store a user phone number and mailing address in a user account (column 5, lines 55-57) in order to distinguish one user from another and to mail prizes such as checks and coupons to a user as an award.

As per claim 25, making a change to a database as a result of a legal action is old and well known.

6. Claims 12-15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ng, U.S. Patent No. 6,405,175 and U.S. Patent No. 7,092,821 and Mizrahi et al., U.S. Patent No. 7,092,821, as applied to claim 1 above, and in further view of Dedrick, U.S. Patent No. U.S. Patent No. 5,710,884.

As per claims 12-15 and 22, Ng and Mizrahi et al. teach online communities for sharing information between users ('821, figure 1, column/line 18/56-19/15; '175, abstract; figure 1). Ng also discloses user programmed electronic shopping agents (column 2, lines 12-18; column 5, lines 43-54).



However, neither Ng or Mizrahi et al. explicitly recite comparing an input data file to a tolerance limit. Dedrick teaches a user an electronic shopping agent that checks a number of occurrences against a tolerance limit that depends on a previously input user data file such as user business rule (column 7, lines 28-38; column/line 8/53-9/2).

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

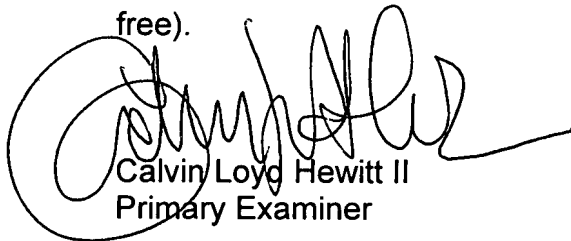
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (571) 272-6709. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer, can be reached at (571) 272-6779.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Calvin Loyd Hewitt II  
Primary Examiner

September 11, 2007